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'Cuban' beer is being sold in Miami. Is it a communist invasion or clever capitalismo?

How these beers legally landed on Miami-area shelves has been an increasingly burning question.



Cuban-themed beer Palma is photographed next to Cuban beer Cristal on Wednesday, September 1, 2021. [MATIAS J. OCNER | Miami]

By **Carlos Frías**, **Miami Herald (TNS)** *Miami Herald (TNS)*

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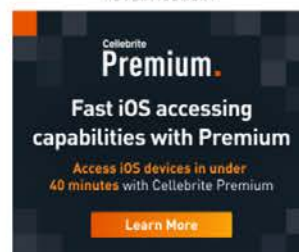
MIAMI — Tony Haber had grabbed a six-pack of Mi Cristal beer at a Latin grocery store in Miami when an older customer in line pointed at his purchase and scolded him.

The beer in his hand, Mi Cristal, was owned by the Cuban government, the man insisted. And he yelled at Haber with increasing ferocity that he was propping up Cuba's communist regime with his purchase. Customers turned to watch. The cashier froze. Haber had no choice but to leave the beer and hurry out of the store.

He did it even though he knew something the customer didn't: The beer he was buying was his own.

Haber is the owner of Miami-based Mi Cristal, one of several new beers to hit store shelves in the last year that appear to be related to the Cuban beer Cristal, the bestselling beer on the island.

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That has sparked scenes just like the one Haber experienced all over South Florida, as customers whisper and wonder whether the Cuban government has managed to infiltrate the marketplace.

Cerveza Palma, with its stylized red, black and white palm tree logo and bright red banner, is a dead ringer for the Cuban Cristal in its emerald green can. It even proclaims, beneath the logo on the 12-ounce can, just like the Cuban Cristal, “La Preferida de Cuba.” Cuba’s preferred beer. And it proudly calls itself imported, which it is — from Nicaragua.



Mi Cristal dispenses with innuendo. It puts Cristal right in its name, with an image of El Morro, the fort at the mouth of Havana Bay, for a touch of nostalgia. Its tagline: “La Favorita de Todos.” Everyone’s favorite. It’s wrapped in red, white and blue — the colors, conveniently, of both Cuba and the U.S. flags.

They join Cervezeria La Tropical Original, which calls itself a modern-day interpretation of a beer first brewed in Cuba more than 130 years ago but is actually brewed in Wynwood.

Customers might rightly assume Cuban beers have found their way into the U.S. marketplace, but for one tiny snag: the embargo.

The United States maintains its decades-long restrictions on trade with Cuba, not counting food and medicine, which America exports to Cuba for humanitarian reasons. But beer imported from Cuba? That remains verboten.



How these beers legally landed on Miami-area shelves has been an increasingly burning question, as they have started to show up not just in Little Havana liquor stores and Latin supermarkets such as Sedano’s and Presidente. Cerveza Palma is everywhere — from Total Wine and Crown to Winn-Dixie and Trader Joe’s.

But it’s not cryptic comunismo at work. It’s creative capitalismo.

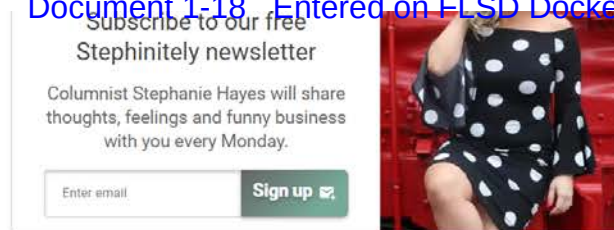
BATTLE OVER CRISTAL

Cristal means something to Cubans of all generations. The beer is older than the sovereign state.

The Blanco Herrera family built a massive brewery, Cerveceria La Tropical, in 1888 in eastern Havana — 14 years before Cuban independence from Spain. Around it, they cultivated a tropical paradise.

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Its botanical gardens, Los Jardines de la Tropical, swept over more than 100 acres surrounding the brewery, a biergarten that rolled into a lush urban garden like Central Park with a castle designed by a disciple of Sagrada Familia architect Antoni Gaudi at its center.

There La Tropical brewed three beers: La Tropical's Original, a Vienna Lager; Tropical 50 Stout; and, in the 1930s, they introduced their first light beer, which would go on to become an immediate best seller, Cristal.

After dictator Fidel Castro rose to power in 1959, Cuba nationalized all of La Tropical's brands, taking ownership of the brewery, its tropical gardens and confiscating the rights to the name — without compensating the original owners. With no formal relations between the United States and Cuba, the owners, like tens of thousands of others, are left without a court to settle this dispute.



"And we can't really do anything about it... This is what Cuba does. They can take a lot from you," said Manny Portuondo, whose mother's family, the Kohlys, sold the original property to La Tropical and developed the homes around it.



Manuel Portuondo's great, great-grandfather, Federico Kohly once owned the land in Havana that Cerveceria La Tropical was built on.

Portuondo grew up in America, hearing stories about La Tropical and its lush gardens from his mother and father, Manuel, a Bay of Pigs veteran who spent two years in a Cuban prison.

It was in Miami that he met Ramón Blanco Herrera, a descendant of the original Cristal/La Tropical owners, and partnered with him to revive La Tropical's brands. They succeeded: After more than 20 years looking for willing partners, they teamed with Heineken to build a new Cervezeria La Tropical brewery, a state-of-the-art facility in Wynwood, surrounded by a garden meant to evoke the lost Jardines de la Tropical.

Their beers, La Tropical Original, an amber lager based loosely on the original Viennese lager recipe produced in 1888, and Nativo Key, an India Pale Ale, are now available in restaurants and all major retailers and grocery stores throughout South Florida.



But they couldn't revive their best-known beer in America. Someone had beaten them to the name Cristal.

The largest brewer in Peru, Backus and Johnson, just happens to sell a beer named Cristal — “La Cerveza del Peru” — which it has been brewing since 1922. They trademarked the name in the United States in 1998 so they could sell their beer here.

Countless companies over the years have tried to establish a trademark for Cristal in the U.S., only for the U.S. Patent and Trademark Office to deny it (or have Backus dispute it). Never mind that the Cuban beer has nothing to do with the Peruvian one. Portuondo and Blanco Herrera tried at least three different times with different variations of the Cristal name, only to meet the same fate: Denied.

Meanwhile, Cuba has continued to brew Cristal without impediment.

The Cuban state, which had confiscated La Tropical's assets, partners with a Canadian subsidiary of AB InBev, Budweiser's parent company, to brew Cristal and ship it across Europe under the name Palma Cristal.

AB InBev even tried to use its Canada-based subsidiary, Cerbuco, to trademark Cerveza Palma Cristal in America in February of 2015 (never mind whether it might be an embargo violation).

The Big-Beer-backed company crashed into the same roadblock as the small-time Portuondo and Blanco Herrera: Cristal was taken.



But where there is money to be made, perseverance is a virtue.

PALMA TRIGGERS CUBAN NOSTALGIA

Martin Wadley has never been to Cuba — but he quietly ended up producing the beer that has Miami's Cuban community alight.

Wadley, 56, grew up in Solana Beach, California, where his only tie to Cuba was that his grandfather and father both visited the island as members of the U.S. Navy, his grandfather aboard the U.S.S. Wyoming in the 1930s, his father aboard a Navy vessel in the mid-1950s. All he knows of Cuba, he says, he learned from a scrapbook his grandfather kept of his time aboard the battleship.

Wadley's life took a more entrepreneurial path. He started working for a Seattle-based beer company in his 20s, where he learned the business and noticed a hole in the market as he delivered to Southern California: Latinos.

“I started asking myself, ‘What other products are out there that are not in the U.S. yet?’” he said during a video call with the *Miami Herald*.





Martin Wadley, 56, is selling his Palma beer in Miami, where locals have asked whether it is a version of the Cuban beer Cristal. [HANDOUT | Miami]

He discovered the Costa Rican beer brand Imperial. He convinced them to let him import their beer, leveraging contacts he'd built working for a distributor. But he didn't own the Imperial brand (although he still holds the U.S. trademark to Imperial, according to the U.S. patent office). And when Imperial eventually bought him out, Wadley was left looking for another project. He studied demographics and realized the U.S. Cuban and Cuban-American communities were vast enough to support a brand.



As early as 2009, he had tried to trademark Cerveza Cristal. The U.S. Patent and Trademark Office saw the Peruvian trademark and rejected Wadley's application on first inspection. But he didn't stop there.

He looked at the applications that had been rejected, including Portuondo's, and started shortening phrases, mixing and matching iconography, like figuring out a crossword puzzle.

Palma Cristal La Preferida de Cuba: Rejected.

La Preferida de Cuba: Rejected.

Palma Cristal: Rejected.

Until he arrived, simply, at Palma: Approved.

Along with his application, he included a photo of the label, identical to the Cuban Cristal down to the tagline, "La Preferida de Cuba." Once he agreed not to try to trademark the logo with the colors (a Belgian company has the rights to Palm with red, green and white), the U.S. patent office awarded him the right to use Cerveza Palma and his logo in August of 2019 to sell his beer.

"They were clever, for sure," Portuondo would say later.

Wadley hired a brewery in Nicaragua, which had a relationship with the Costa Rican brewer Florida Ice & Farm that had made Imperial, to brew Palma and import it to South Florida. He was all in with an investment of about \$60,000, he said.

On the can, he was able to print "imported" to give it "a little more mystique," Wadley said.



The reaction in South Florida was immediate.

Brown Distributing, which sells the beer to local retailers, sold its entire first batch within a week. One supermarket, Presidente, sold 100 cases in a single day. Wadley's Nicaraguan partners could scarcely brew Palma fast enough. Miami was snapping up every case of Palma it could get its

hands on.

"The distributor told me, 'We've never seen anything like this before,'" Wadley said.

Consumers believed Palma had a Cuban connection — it says so right on the can. And the company's website states the beer "is inspired by the number one selling beer in Cuba and the favorite beer of Cuba for more than 75 years, it is La Preferida de Cuba." He even named his company Bucanero USA, a play on the company that brews Cristal in Cuba, Bucanero S.A. Brown plastered the information on bus stops in and around Little Havana.

Rather than deception, Wadley calls it using "marketing license." Nostalgia for all things Cuba is "what we want to tie into," he said.

He's not alone. Wadley knows he already has a competitor in Miami in Haber's Mi Cristal.

"I love the old saying, 'Imitation is the most sincere form of flattery,'" Wadley said.

MI CRISTAL TRADES ON A NAME

Haber was at a party in Miami several years ago when someone showed up with a six-pack of actual Cuban Cristal — and said they had paid \$300 for someone to smuggle it in from Cuba.



Haber's eyes opened.

"People were willing to pay that kind of money ..." Haber said.



Tony Haber, the founder of Mi Cristal beer, is photographed at Calle23 Miami in Coral Gables, Florida on Friday, August 27, 2021. [MATIAS J. OCNER | Miami]

His mind started working. Haber, who was born in Cuba and immigrated in 1988 at age 14, had started several wine and spirits labels after serving in the U.S. Navy and graduating with an FIU business degree. His Qvivo wines aim to lure "Millennials and young Hispanic" buyers, according to its website, with labels like Loco Por Ti (Crazy For You) and Tus Nalguitas (Your Little Buttcheeks).

He is set to launch a series of wines called Patria y Vida, tied to the song by Cuban artists that has become the anthem of the new Cuban liberation movement on the island.

Now he set his sights on Cristal.

Haber saw the razor-thin line Palma had walked to avoid Peru's Cristal and now he followed its footsteps. He applied for a trademark in July of 2020 for the name Clasica Mi Cr Stal, omitting the 'I' and replacing it on the can with a palm tree in front of a red stripe. The translation, he claimed, meant "My glass," according to the patent application. For the colors, instead of the red, green and white, he went with "the colors of liberty." He signed a deal with the Portuguese company Font Salem to brew it.



On the packaging he printed, "La Original de Cuba" and "100% Cubana."

Wadley's Palma sued him in February.

The sides settled out of court this summer, and the only change Mi Cristal made was to remove the red banner from behind its name and to replace the palm tree with a rose — to evoke Cuban independence hero Jose Marti's poem "Cultivo Una Rosa Blanca." For Haber, who took poetry classes from internationally recognized poet Richard Blanco in FIU's masters of fine arts program, it was a fitting adjustment.

The market responded. His Mi Cristal beer hit the shelves in July and "sales just keep going up." The beer was first available in the Latin supermarkets like Presidente and Sedano's. But it's now bound for Publix, Winn-Dixie, Fresco y Mas and will be in BJ's Wholesale and Costco by October.

The Palma suit "slowed us down but it hasn't stopped us," Haber said. He forged ahead again, he says, confident he was doing his part to reclaim the Cristal name for Cubans and Cuban-Americans. He is still waiting for the answer to his application to the U.S. patent office while his beers fly off the shelves.

"Because we, Cubans, are the owners of Cristal. Not Cuba," Haber said. "People tell me it's exactly like the Cristal they remember."

PASSION EQUALS PESOS

Enjoy it while you can, Portuondo says.



The Peruvian owners of the Cristal brand have a long track record of eventually snuffing out competing Cristal attempts in the United States. And Portuondo and his partners say they own the rights to use Cristal's logo and color scheme in the United States. The U.S. patent office is still reviewing Haber's application for Mi Cristal, and, even if it approves it, Peru's brewery could still intervene to cancel it.

Portuondo says he has not ruled out a suit against either party — particularly Wadley's Palma.

"It's the No. 1 beer in Cuba so people are trying to trade on that," Portuondo said. "It seems a little ingenuine to me that someone does that, but I understand it.... It seems to me he's trying to fool the Cuban exile community that this is a Cuban product with Cuban lineage when in fact it's not."

Then there is public perception.

While Wadley, who lives in California, can avoid the Miami spotlight, Haber, whose businesses are based here, isn't so lucky. Posts on Facebook and Instagram have popped up, questioning whether either is actually backed by the Cuban government. He has gotten emails and been tagged in posts calling him a communist and asking, "Where is the embargo?"

Haber has had to defend himself against attacks from the very customers he's trying to win over.

"BEWARE!" begins one post the Miami Herald reviewed. "CUBAN GOV. is selling their beer in the USA (Miami) via Nicaragua — don't be confused and fall into their trap. We don't buy Communist Cuba products."



"Those people hate me. Threats, everything," Haber said. "I'm disabled (military) and they're calling me a communist."

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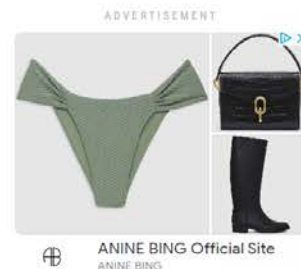
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